

VERDICTS & SETTLEMENTS

PERSONAL INJURY

MEDICAL MALPRACTICE
Negligent Surgery

VERDICT: Defense.

CASE/NUMBER: Ping Situ v. Facey Medical Group, Robert H. Roth, M.D., and Does 1 through 100 / BC441337.

COURT/DATE: Los Angeles Superior Central / April 1, 2016.

JUDGE: Hon. Mary Ann Murphy.

ATTORNEYS: Plaintiff - Federico C. Sayre (Treyzon & Associates, Santa Ana).

Defendant - Yuk K. Law (Law, Brandmeyer & Packer LLP, Pasadena).

MEDICAL EXPERTS: Plaintiff - Joel J. Teplinsky, M.D., plastic surgery, Encino.

Defendant - George A. Macer Jr., M.D., hand surgery, Long Beach.

FACTS: On Oct. 14, 2008, plaintiff Ping Situ, 70, sustained a laceration in her left palm while trying to separate two pieces of frozen meat with a kitchen knife. She was evaluated by defendant Dr. Robert H. Roth, an orthopedic surgeon with specialization in hand surgery, when she experienced pain and discomfort in the left palm and the middle and ring fingers. Dr. Roth tried conservative treatment with physical therapy and massage without significant success in relieving plaintiff's sensory complaints.

Dr. Roth performed surgery on April 17, 2009.

PLAINTIFF'S CONTENTIONS:

Plaintiff contended she had postoperative complaints of severe pain in the left middle finger. She discontinued care with Dr. Roth and began treatment with another hand surgeon. She had not undergone another surgical procedure since the April 17, 2009 surgery, and she continued to complain of pain and discomfort, requiring her to wear a glove on her left hand, up to and through the trial. Plaintiff contended that Dr. Roth operated in the wrong area (the fourth web space) of her palm, when the injured nerve and neuroma were in the third web space. She further claimed that Dr. Roth caused pain and stiffness in the area of the palm where he should not have performed the exploratory surgery.

DEFENDANT'S

CONTENTIONS: Dr. Roth contended that he operated in the area of the injured nerve and removed the scarred tissue that caused the nerve irritation. Further, he contended that plaintiff's persistent pain and comfort in the palm and the middle finger were from the original laceration that injured the unmyelinated microscopic nerves that he could not see or treat during the exploratory surgery.

INJURIES: Plaintiff claimed continuing pain in the left middle finger and palm since 2008. Due to her pain and discomfort, which required her to wear a glove, she had to leave her job as a fashion

designer for one year. Upon her return to work in the fashion industry, she had to take a lesser paying job that did not require her to cut fashion patterns.

DAMAGES: Plaintiff sought \$250,000 in general damages

SPECIALS IN EVIDENCE: LOE: \$50,000 Future LOE: \$22,000.

JURY TRIAL: Length, seven days; Poll, 12-0 (no negligence); Deliberation, one hour.

SETTLEMENT DISCUSSIONS: Defendant offered waiver of costs.

RESULT: The jury found in favor of the defense.

OTHER INFORMATION: Dr. Roth has filed a cost bill.

FILING DATE: July 8, 2010.